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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,223	01/16/2001	Claude Laurent	Q62700	9943

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EXAMINER

A, PHI DIEU TRAN

ART UNIT PAPER NUMBER

3637

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/759,223

Applicant(s)

LAURENT, CLAUDE

Examiner

Phi D A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-10, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wardill (GB2196584) in view of Smith (4830898).

Wardill shows a structural member having a body (4) with a cavity, plastic ribs (10, col 2 line 88) in the cavity (figure 5-6), the body having at least one outer edge comprising discrete regions, the member having blocks (5) that are molded with the ribs, the blocks enveloping the outer edge in its discrete regions, the ribs being rigid and reinforcing the body, the body having at least two opposite walls, the ribs extending from one of the walls to another of the walls.

Wardill does not show the discrete regions being set-back regions defining notches open in the outer edge and the blocks extending through the notches, the set-back regions having stepped shapes with angles, the set-back regions being formed by cutouts in the body.

Smith shows discrete regions being setback regions (13) defining notches open in the outer edge and the blocks extending through the notches.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wardill to show the discrete regions being set-back regions defining notches open in the outer edge and the blocks extending through the notches as taught by Smith because it is well known in the art that increasing the bonding surface area between the structure and the enclosing plastic would enhance the bonding of the plastic to the reinforcing structure.

Per claims 2, 5, Smith further shows the setback regions having stepped shapes with angles, the setback regions being formed by cutouts in the body.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wardill's modified structure to show the set-back regions having stepped shapes with angles, the set-back regions being formed by cutouts in the body as taught by Smith because it would enable the firm attachment of the molding to the body as taught by Smith.

Per claim 9, Wardill as modified shows all the claimed limitations. The claimed method steps for producing a structural member would have been the obvious method steps for producing Wardill's modified structure.

3. Claims 3-4, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wardill (GB2196584) in view of Smith (4830898).

Wardill as modified shows all the claimed limitations except for the setback regions having at least some parts that converge away from the body, the converging parts being substantially trapezium-shaped.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wardill's modified structure to show the set-back regions having at least some parts that converge away from the body, the converging parts being substantially trapezium-shaped because Examiner takes Official Notice of the equivalence of the set-back with stepped shapes and setbacks with trapezium shaped that converge away from the body for their use in the structural art and the use of any of these known setback equivalents to encourage affixing the molding to the body would be within the level of ordinary skill in the art.

***Allowable Subject Matter***

1. Claims 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: prior art does not provide sufficient motivation to modify Wardill to show at least part of the metal body being exposed in combination with other claimed limitations.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different structural member designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'Phi Dieu Tran A', with a large, stylized loop at the end.

Phi Dieu Tran A  
April 18, 2004